

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER B. SANDS
PLAINTIFFS

v.

WARDEN: DANA METZGER ...
CAPTAIN: BRUCE BURTON ...
TREATMENT ADMINISTRATOR: STACIE HOLLIS ...
MENTAL HEALTH ADMINISTRATOR: PAULO MUNIZOZ ...
DOCTOR: _____ TIMME ...
DOCTOR: _____ CARDEN ...
CLINICIAN: _____ TYLER ...
COUNSELOR: KELLY EMBER ...
CORPORAL: RAY PARSONS ...
SGT _____ BECKLES ...

DEFENDANTS

AMENDED COMPLAINT...

Civ. Action No. 19-03151-CFL
(To be assigned by Clerk's
Office)

COMPLAINT
(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

SANDS BRIAN CHRISTOPHER
Name (Last, First, MI)

Aliases

00595477
Prisoner ID #

JAMES T. VAUGHN CORRECTIONAL CENTER
Place of Detention

1181 PADDOCK ROAD
Institutional Address

SMYRNA, DE 19977
County, City

State

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANTS INFORMATION

- DEFENDANT 1: METZGER DANA
WARDEN - DEPARTMENT OF CORRECTIONS
1181 PADDOCK ROAD
SMYRNA, DE 19977
- 2: BURTON BRUCE
SECURITY CAPTAIN - DEPARTMENT OF CORRECTIONS
1181 PADDOCK ROAD
SMYRNA, DE 19977
- 3: HOLLIS STACIE
TREATMENT ADMINISTRATOR - DEPARTMENT OF CORRECTIONS
1181 PADDOCK ROAD
SMYRNA, DE 19977
- 4: MINOZ PAUL
MENTAL HEALTH ADMINISTRATOR - CONNECTIONS
1181 PADDOCK ROAD
SMYRNA, DE 19977
- 5- TIMME _____
DOCTOR - CONNECTIONS
1181 PADDOCK ROAD
SMYRNA, DE 19977

6: CARDEN

DOCTOR — CONNECTIONS

1181 PADDOCK ROAD

SMYRNA, DE 19977

7: TYLER

MENTAL HEALTH CLINICIAN — CONNECTIONS

1181 PADDOCK ROAD

SMYRNA, DE 19977

8: EMBER KEIM

COUNSELOR — DOC — DEPARTMENT OF CORRECTIONS

1181 PADDOCK ROAD

SMYRNA, DE 19977

9: PARSONS RAY

CORPORAL — DEPARTMENT OF CORRECTIONS

1181 PADDOCK ROAD

SMYRNA, DE 19977

10: BECKLES

SERGEANT — DEPARTMENT OF CORRECTIONS

1181 PADDOCK ROAD

SMYRNA, DE 19977

V. STATEMENT OF CLAIM

Place(s) of
occurrence:

JAMES T. VAUGHN CORRECTIONAL CENTER.

Date(s) of occurrence: FROM APRIL 2018 - UNTIL JANUARY 2020

State which of your federal constitutional or federal statutory rights have been violated:

8TH AMENDMENT SUBSECTION TO CRUEL AND UNUSUAL PUNISHMENT - FAILURE TO PROTECT AND ... DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL/MENTAL HEALTH NEEDS.

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS: PLEASE NOTE: "I AM A TRANSGENDER MALE, WITH GED"

What
happened to
you?

ON OR ABOUT APRIL 7, 2018 I WAS MOVED TO E-BUILDING and A-TIER CELL #18. MY CELL MATE WAS JAMIL TEABLE "A KNOWN RAPIST of OTHER MEN" ON OR ABOUT THE 11 END OF APRIL, I SPoke WITH SGT BENJES AND PARSONS MAKING THEM AWARE I WAS AFRAID OF MY CELL MATE AND HE HAD MADE UPSETTING COMMENTS ... AND NOTHING WAS DONE.

ON APRIL 18, 2018 JAMIL TEABLE ATTEMPTED TO RAPE ME. I WAS PHYSICALLY ASSAULTED AND HAD TO SEEK MEDICAL ATTENTION FROM THE CITS AND BENJES ... LUCKILY, I WAS ABLE TO FIGHT HIM OFF AND HELP CAME ...

DUE TO MY STATUS IN THE TRANSITIONAL PROGRAM, I WAS MOVED TO A DIFFERENT TIER AND I DO NOT KNOW WHAT HAPPENED TO TEABLE. I WAS NOT ALLOWED TO PERSUE CRIMINAL CHARGES AND I HAVE REPEATEDLY COMPLAINED...

11 MONTHS WENT BY AND WHILE IN THE PROGRAM, I SUFFERED WITH MY TRANSGENDER AND OTHER ISSUES AND WHILE COPING WITH A LOSS I REACHED OUT FOR HELP AND NO ONE SEEMED TO CARE.

I'VE BEEN REPEATEDLY SEEKING MY HORMONE AND OTHER TREATMENTS AND DENIED. PABLO MUÑOZ, DR. TRINIDAD, DR. CARBENT, CHRISTINA N. TYLER ... ALL WERE

Who did
what?

Denying me 1) adequate mental health and 2) adequate medical treatments as a transgender male...

Since the attempted rape in a cell they put me in with a known jailhouse rapist, I have not been the same mentally and I am struggling day to day to cope...

I complained to security about my feelings and pressures I was afraid to talk about... I couldn't bear being a transgender male and a solista so I had to shut up and be a part of the pressures that I was under...

I spoke with mental health defendants and security defendants and I really don't know and didn't know what to do.

I've been repeatedly denied my hormone therapies and medications and in many instances I've been afterted. I feel I was shushed out and told not to talk about the rape attempted rape and I have not been able to pursue any relief nor [redacted] defendants taken any action except to punish me.

I was moved from E-building for using drugs "self medicating" to live with the pressures of being a transgender and instead of help, I was punished...

I have attempted suicide twice and only cut my stomach to talk out my testicles and even as I try to control the episodes I can't and I am not getting the proper mental health nor medical treatments to address my mental health and medical transgender needs.

I've written Staffe Hollis, Capt. Burton, Warden Metzger about Sgt. Beniles not reacting soon enough to safety concerns and, due to suicide attempts, I've communicated with Mumbz, Zimmer, Carben and Wren all to no avail.

I have not been given my hormone treatments nor proper mental health or medical treatments associated with transsexualism or gender identity disorder

Was anyone
else
involved?

I HAVE FILED MANY MANY GRIEVANCES TO AND ARIAL ON EITHER LEVEL AND
I FEEL THAT I AM BEING RETALIATED AGAINST AND DENIED TREATMENTS
THAT HAVE ALREADY BEEN APPROVED, WHERE...

THE MET WITH DR. WILLIAMS WHO STATED THAT MY SHOES AND
TREATMENTS ARE APPROVED. I ONLY NEED MENTAL HEALTH TO SIGN
OFF SO YOU CAN START... HOWEVER...

I AM RIDICULED AND [REDACTED] ABUSED. I SUFFER EPISODES BECAUSE
I NEED HELP AND AM NOT GETTING IT!

MY FIRST ISSUE IS - THEY UNLAWFULLY VIOLATED ME WITHOUT REGARDS FOR
MY HEALTH AND SAFETY AS A TRANSGENDER MAN!

MY SECOND ISSUE IS DUE TO POLICE ABUSE AND INLAW THERE OF, I SUFFERED
PHYSICAL AND EMOTIONAL INJURIES...

MY THIRD ISSUE IS I AM BEING DENIED ADEQUATE MEDICAL AND MENTAL
HEALTH TREATMENTS FOR i) MY MENTAL HEALTH ISSUES ii) TRANSGENDER
HORMONE TREATMENTS ALREADY APPROVED BY A DOCTOR!

THE AFORESAID DOES NOT EXHAUST THE CLAIMS... HOWEVER SANDS IS
VERY LIMITED IN HIS UNDERSTANDING OF LAW AND DUE TO HIS LEARNING
DISABILITY AND MENTAL HEALTH ISSUES... HE NEEDS COUNSEL TO EVEN
LAWYER AND HIS CLAIMS AND...

WITHOUT THE HELP OF ANOTHER LAWYER... WOULD NOT BE ABLE TO PUT
FORTH AN ADEQUATE FACTUAL REVIEW TO HAVE HIS CLAIMS BROUGHT TO THE
LIGHT. MOREOVER...

WHERE THE COURT HAS NOT RULED ON HIS CASE, MAY THE COURTS
STRIKE THE FIRST COMPLAINT AND ADVANCE THIS AMENDED COMPLAINT
AS THE OPERATIVE...

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Is there a grievance procedure available at your institution?

☒ Yes ☐ No

Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If no, explain why not:

GRIEVANCES RETURNED AS "NON-GRIEVABLE"

Is the grievance process completed?

☒ Yes ☐ No

If no, explain why not:

GRIEVANCES RETURNED AS "NON-GRIEVABLE"

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

1. EIGHT AMENDMENT - FAILURE TO PROTECT ... "FIFTY THOUSAND DOLLARS"
2. EIGHT AMENDMENT - DELIBERATE INDIFFERENCE TO SERIOUS MENTAL HEALTH NEEDS ... "FIFTY THOUSAND"
3. EIGHT AMENDMENT - DELIBERATE INDIFFERENCE TO SERIOUS MENTAL HEALTH NEEDS ... "FIFTY THOUSAND DOLLARS"
4. INJUNCTIVE RELIEF - ADEQUATE POLICES TO PROTECT TRANSGENDER MALES AGAINST RAPE AND BEING HARASSED WITH KNOWN JAILHOUSE RAPISTS ... ALSO ADEQUATE MENTAL HEALTH AND MEDICAL TREATMENTS ...
5. PUNITIVE DAMAGES IN SUM OF "ONE HUNDRED FIFTY THOUSAND DOLLARS"

IX. PLAINTIFF'S DECLARATION AND WARNING

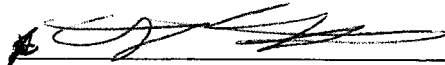
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

JANUARY 8, 2020

Dated



Plaintiff's Signature

CHRISTOPHER B. SANTOS

Printed Name (Last, First, MI)

00535477

Prison Identification #

1181 PROCTOR ROAD, SMYRNA, DE 19977

Prison Address

City

State

Zip Code

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.